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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,490	12/20/2004	Erich Litwing	016906-0361	5493
22428	7590	11/10/2008		
FOLEY AND LARDNER LLP			EXAMINER	
SUITE 500			CORRIGAN, JOSEPH JAMES	
3000 K STREET NW			ART UNIT	
WASHINGTON, DC 20007			PAPER NUMBER	
			3744	
			MAIL DATE	
			DELIVERY MODE	
			11/10/2008	
			PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/518,490

Applicant(s)

LITWING ET AL.

Examiner

JOSEPH CORRIGAN

Art Unit

3744

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 19, 2008 has been entered.

Response to Arguments

2. Regarding applicant's remarks regarding the Office Action Summary not giving application credit for properly submitted foreign priority requirements. Request is acknowledged and the accompanying Office Action Summary cures this deficiency.
3. Regarding applicant's remarks regarding crossing out sections of the Information Disclosure Submission: all references cited on December 13, 2007 have been successfully entered into the record despite the appearance of misleading annotations.
4. Applicant's arguments, see Remarks, filed June 19, 2008, with respect to the rejection(s) of claims 19-20, 22-23, and 25 under 35 U.S.C. 102(b) under Tsunooka and with respect to claims 21 and 24 under 35 U.S.C. 103(a) as being unpatentable over Tsunooka in view of Bauer have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Tsunooka as cited below.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

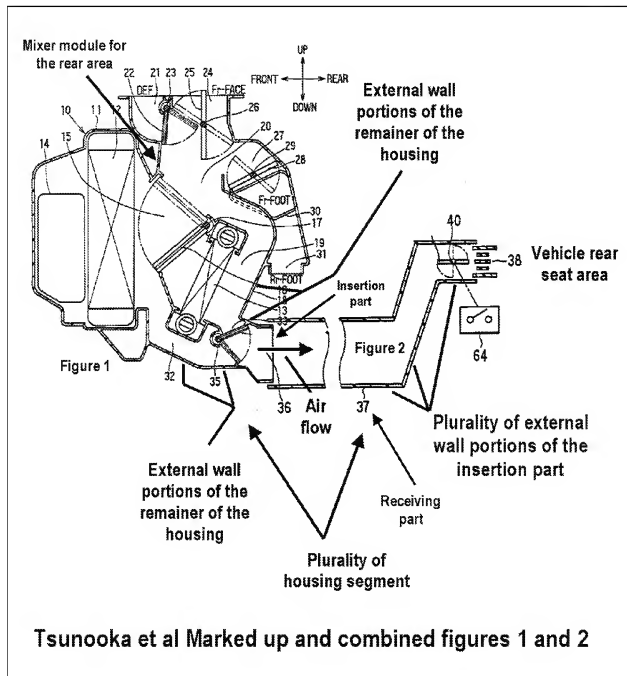
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 19-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsunooka '6,230,795'.

In re claim 19, Tsunooka et al disclose a heating and/or air conditioning system for a motor vehicle (see line 1 of abstract), said heating and/or air conditioning system comprising: a housing (11, figure 1) which comprises a plurality of housing segments (see marked up figures 1 and 2), wherein at least one of the housing segments is an insertion part (see marked up figures 1 and 2) which comprises at least one functional unit (10, figure 1), with at least one means for air conduction (37), a warm air feed (19, figure 1, warm air passage), a cold air feed (15, figure 1, cool air passage), at least one mixer valve (16, figure 1), or any combination thereof, wherein the insertion part (figure 1) can be inserted into a receiving space (see marked up figure 1 and 2) in the remainder of the housing of the heating and/or air conditioning system such that a plurality of external wall portions (see marked up figures 1 and 2) of the insertion part (figure 1) abutting and adjacent to external wall portions of the remainder of the housing (see marked up figure 1 and 2) form an exterior surface of the housing along with the

abutting and adjacent external wall portions of the remainder of the housing (see marked up figures 1 and 2).



In re claim 20, Tsunooka et al '795 disclose the invention above and further disclose that the functional unit (10, figure 1) is a mixer module (C2, L54-58) for a rear area (please note that the mixer module is supplying air to at least a rear area of the vehicle as shown in figures 1 and 2, and therefore meets limitation.)

In re claim 21, Tsunooka et al disclose the invention above and further disclose that the functional unit (10, figure 1) comprises at least one drive (68, figure 3, motor for driving the rotation shaft 17, see C5, L59-61) for the at least one mixing valve (see [damper] door 16 and the surrounding casing, figure 1).

In re claim 22, Tsunooka et al '795 disclose the invention above and further disclose that the insertion part (see marked up figures 1 and 2) is configured symmetrically to a longitudinal axis (front to rear, see figure 1 and 2).

In re claim 23, Tsunooka et al '795 disclose the invention above and further disclose that the insertion part (see marked up figures 1 and 2) is configured symmetrically to a longitudinal axis (front to rear, see figure 1 and 2).

In re claim 24, Tsunooka et al disclose the invention above and further disclose that the insertion part (see marked up figures 1 and 2) is configured symmetrically to a longitudinal axis.

In re claim 25, Tsunooka et al '795 disclose the invention above and further disclose the application of modular air conditioning modular system in a motor vehicle. (See abstract, line 1).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph J. Corrigan whose telephone number is 571-270-3213. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisors are Cheryl Tyler or Frantz Jules on (571) 272-4834 or (571) 272-6681, respectively. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph Corrigan/
Examiner, Art Unit 3744
11/9/08

/Cheryl J. Tyler/
Supervisory Patent Examiner, Art
Unit 3744